IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.14678 OF 2005

Between:

Ch. Shanker Rao S/o. Gopal Rao
aged 63 years, Occ: Agriculturist,

R/o. H.No.9-9-29-40, Ramnagar Locality,

Karimnagar Town, Karimnagar District. **..... PETITIONER**

AND

1. The Government of A.P.,
Rep. by Principal Secretary to
the Municipal Administration
Secretariat Buildings, Hyderabad.

2. The Director, Town and Country Planning,

Municipal Administration, A.C. Guards,
Hyderabad.

3. The Regional Joint Director,

Town and Country Planning, Warangal.

4. The Commissioner, Karimnagar Municipality,
Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 4 in granting permissions in the petitioner's land admeasuring Acs.3-00 in Survey No.1094/I situated at Karimnagar Town to the 3rd persons who are not having any title or right over the petitioner's land and even though the petitioner's application for approving layout dated 20-04-1994 is pending with the respondents, and even though the petitioner made a representation on 07-02-2005 not to grant any permissions to the 3rd parties , is as arbitrary, illegal and null and void and violative of the provisions of the A.P Municipalities Act and also violative of Articles 14, 19 21 and 300-A of the Constitution of India and also violative of principles of natural justice, consequently direct respondents 1 to 4 not to grant any permissions for any sort of constructions in the petitioner's land in an extent of land admeasuring Acs.3-00 in Survey No.1094/I of Karimnagar Town in favour of
3rd persons considering the representation of the petitioner, dated 07-02-2005 and to direct the respondents 1 to 3 to consider the petitioner's layout application, dated
20-04-1994.

Counsel for the Petitioner: Mr. K. VENU MADHAV

Counsel for the Respondents 1 to 4: G.P. for Municipal Administration & Urban Dev. Authority.

The Court at the admission stage made the following :

ORDER:

This writ petition is filed to declare the action of the respondents 1 to 4 in granting permissions to the third persons to make construction in the land of the petitioner admeasuring Acs.3-00 in Survey No.1094/I situated at Karimnagar Town, who are not having any right or title over the said land in spite of his representation, dated
07-02-2005, not to grant any permissions to the third persons and also the application submitted by the petitioner for approving the layout, dated 20-04-1994, is pending with the respondents, as arbitrary, illegal, null and void and violative of the provisions of the A.P Municipalities Act and also violative of Articles 14, 19 21 and 300-A of the Constitution of India and principles of natural justice, and for a consequential direction to respondents 1 to 4 not to grant any permissions for any sort of constructions in the said land of the petitioner in favour of third persons considering the representation of the

petitioner, dated 07-02-2005, and to direct the respondents 1 to 3 to consider his layout application, dated 20-04-1994.

Learned counsel for the petitioner unable to give the particulars of the persons to whom the respondents 1 to 4 granting permission to make construction in the land in dispute, though he filed a suit in O.S. No.17 of 2004 on the file of the learned District Judge's Court at Karimnagar against the said third persons, who encroached the land in dispute, for declaration of title, recovery of possession and for removal of illegal constructions made in a portion of the land in dispute and also to declare the sham and bogus sale deeds created by the third persons as null and void. Further, the representation of the petitioner, dated 20-04-1994, for grant of layout is still pending with the respondents 1 to 3.

I do not find any ground to entertain this writ petition particularly in the absence of the particulars of the third persons, who said to be encroached the land in dispute, and to whom the respondents granted permission to make constructions in the said land.

In the facts and circumstances of the case, the Writ Petition is liable to be dismissed and the same is accordingly dismissed, at the admission stage, without any order as to costs.

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ELIPE DHARMA RAO, J

Date:07-07-2005.

PV

To

1. The Principal Secretary to Municipal Administration
   Government of A.P., Secretariat Buildings, Hyderabad.

2. The Director, Town and Country Planning,

Municipal Administration, A.C. Guards,
Hyderabad.

3. The Regional Joint Director,

Town and Country Planning, Warangal.

4. The Commissioner, Karimnagar Municipality,
   Karimnagar.

5. Two C.D. copies.